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Michael J Pollock
Stallman & Pollock LLP
121 Spear Street Suite 290
San Francisco CA 94105

MAILED

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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2800**

In re Application of: :
Ronald W. Page :
Application No. 09/129,255 :
Filed: August 4, 1998 :
For: **HIGH SPEED VIDEO MIXER CIRCUIT** :

ON PETITION

This is a decision on the request filed November 21, 2002, to withdraw the Holding of Abandonment under MPEP 711.03(c)(II) and pursuant to 37 C.F.R. § 1.181(a). No fee is required.

No Notice of Abandonment was mailed.

Petitioner alleges that no Office communication was received.

Based on MPEP § 711.03(c), in absence of any irregularity in the mailing of an Office action, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include:

(a) a statement from the practitioner stating that the Office communication was not received by the practitioner at the address of record;

(b) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and

(c) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner has not complied with requirement (a) above. Petitioner fails to provide a statement that the Office communication was not received by the petitioner at the address of record at that time which was: 2001 Ferry Building.

A review of the file record finds that a Change of Address was filed by applicant on October 7, 2002, nearly six months after the mailing of the non-final Office action. However, the petition to withdraw the holding of abandonment fails to specifically state at which address the petitioner was receiving mail at the time of the April 11, 2002 mailing of the non-final Office action.

Accordingly, the petition is **DENIED**.

Any request for reconsideration must clearly set forth that petitioner did not receive the Office action at the correspondence address of record *at that time*.

Furthermore, any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mailing date of this decision. No further petition fee is required for the request. Extensions of time under 37 C.F.R. 1.136(a) are **NOT** permitted.

The application file is being returned to the files repository.

A handwritten signature in black ink, reading "Allen MacDonald". The signature is written in a cursive, flowing style.

Allen MacDonald, Director
Technology Center 2600
Communications